

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1407

**Introduced by Committee on Judiciary (Feuer (Chair), Atkins,
Dickinson, Huber, Huffman, Monning, and Wieckowski)**

March 7, 2011

~~An act to amend Section 51 of the Civil Code, relating to civil rights.~~
*An act to amend Section 51.7 of the Civil Code, and to repeal Section
1 of Chapter 1293 of the Statutes of 1976, relating to civil rights.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1407, as amended, Committee on Judiciary. Civil rights.

The Ralph Civil Rights Act of 1976 provides, in part, that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, on account of their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

This bill would repeal the provision entitling the act the Ralph Civil Rights Act of 1976, and would instead state the findings of the Legislature that the above-described provision was enacted as part of the Ralph Civil Rights Act of 1976.

~~Existing law provides that all persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, and services in all business establishments of every kind whatsoever.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 51.7 of the Civil Code is amended to read:*

2 51.7. (a) All persons within the jurisdiction of this state have
3 the right to be free from any violence, or intimidation by threat of
4 violence, committed against their persons or property because of
5 political affiliation, or on account of any characteristic listed or
6 defined in subdivision (b) or (e) of Section 51, or position in a
7 labor dispute, or because another person perceives them to have
8 one or more of those characteristics. The identification in this
9 subdivision of particular bases of discrimination is illustrative
10 rather than restrictive.

11 (b) This section does not apply to statements concerning
12 positions in a labor dispute which are made during otherwise lawful
13 labor picketing.

14 (c) *The Legislature finds and declares that this section was*
15 *enacted as part of the Ralph Civil Rights Act of 1976, in Chapter*
16 *1293 of the Statutes of 1976.*

17 *SEC. 2. Section 1 of Chapter 1293 of the Statutes of 1976 is*
18 *repealed.*

19 ~~SECTION 1. This act shall be known, and may be cited, as the~~
20 ~~Ralph Civil Rights Act of 1976.~~

21 ~~SECTION 1. Section 51 of the Civil Code is amended to read:~~
22 ~~51. (a) This section shall be known, and may be cited, as the~~
23 ~~Unruh Civil Rights Act.~~

24 ~~(b) All persons within the jurisdiction of this state are free and~~
25 ~~equal, and no matter what their sex, race, color, religion, ancestry,~~
26 ~~national origin, disability, medical condition, marital status, or~~
27 ~~sexual orientation are entitled to the full and equal~~
28 ~~accommodations, advantages, facilities, privileges, and services~~
29 ~~in all business establishments of every kind whatsoever.~~

30 ~~(c) This section shall not be construed to confer any right or~~
31 ~~privilege on a person that is conditioned or limited by law or that~~
32 ~~is applicable alike to persons of every sex, color, race, religion,~~
33 ~~ancestry, national origin, disability, medical condition, marital~~
34 ~~status, or sexual orientation.~~

1 ~~(d) Nothing in this section shall be construed to require any~~
2 ~~construction, alteration, repair, structural or otherwise, or~~
3 ~~modification of any sort whatsoever, beyond that construction,~~
4 ~~alteration, repair, or modification that is otherwise required by~~
5 ~~other provisions of law, to any new or existing establishment,~~
6 ~~facility, building, improvement, or any other structure, nor shall~~
7 ~~anything in this section be construed to augment, restrict, or alter~~
8 ~~in any way the authority of the State Architect to require~~
9 ~~construction, alteration, repair, or modifications that the State~~
10 ~~Architect otherwise possesses pursuant to other laws.~~

11 ~~(e) For purposes of this section:~~

12 ~~(1) “Disability” means any mental or physical disability as~~
13 ~~defined in Sections 12926 and 12926.1 of the Government Code.~~

14 ~~(2) “Medical condition” has the same meaning as defined in~~
15 ~~subdivision (h) of Section 12926 of the Government Code.~~

16 ~~(3) “Religion” includes all aspects of religious belief,~~
17 ~~observance, and practice.~~

18 ~~(4) “Sex” has the same meaning as defined in subdivision (p)~~
19 ~~of Section 12926 of the Government Code.~~

20 ~~(5) “Sex, race, color, religion, ancestry, national origin,~~
21 ~~disability, medical condition, marital status, or sexual orientation”~~
22 ~~includes a perception that the person has any particular~~
23 ~~characteristic or characteristics within the listed categories or that~~
24 ~~the person is associated with a person who has, or is perceived to~~
25 ~~have, any particular characteristic or characteristics within the~~
26 ~~listed categories.~~

27 ~~(6) “Sexual orientation” has the same meaning as defined in~~
28 ~~subdivision (q) of Section 12926 of the Government Code.~~

29 ~~(f) A violation of the right of any individual under the Americans~~
30 ~~with Disabilities Act of 1990 (Public Law 101-336) shall also~~
31 ~~constitute a violation of this section.~~